



United States Department of the Interior

Bureau of Land Management
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In Reply Refer To:
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October 30, 2002

EMS Transmission - 10/30/02
Instruction Memorandum NM-2003-006
Expires: 09/30/2004

To: FM's

From: DSD, Resource Planning, Use, and Protection

Subject: Surface Management Under the Mining Law (43 CFR 3809)

Checklists for Operations

The attached checklists are to be provided to operator/applicants under 43 CFR 3809 along with a copy of the current 3809 Regulations that were published in the Federal Register of November 21, 2000, pages 70112 through 70132, as amended by the Federal Register of October 30, 2001, pages 54860 through 54870. The upcoming October 1, 2002, edition of Title 43, Code of Federal Regulations, should reflect the current 3809 Regulations.

Coordination with the State

The New Mexico State Mining and Minerals Division (MMD) permits hardrock mining operations on private, State, and Federal lands. A Memorandum of Understanding (MOU) among the State, the BLM, and the Forest Service provides for separate permitting by each agency under their respective rules with the reduction of duplicative requirements, where possible. To assure efficiencies and reduction of duplicative requirements, Federal operator/applicants need to be made aware of MMD requirements and the Field Offices need to communicate with MMD concerning operations that include Federal land. Attached are summaries and comparisons of State and Federal permitting requirements. The MOU is to be revised to reflect the current 3809 Regulations.

Financial Guarantee (Bonding)

No operations under the 3809 Regulations that require a financial guarantee will begin without proof of a financial guarantee. Proof of a financial guarantee under MMD rules may suffice. The MMD does not require a bond for all operations (see attached summaries and comparisons). Under the 3809 Regulations, the BLM requires a bond for these operations on the BLM land. These bonds need to be properly adjudicated and maintained. A meeting will be scheduled after January 1, 2003, to determine if these bonds should be adjudicated and maintained at the State Office or at the affected Field Office(s). Please give this matter some thought between now and then.

Questions or comments should be directed to Bill Dalness, Mining Law Resource Advisor, at the New Mexico State Office.

Signed by:
Gary A. Stephens
Acting

Authenticated by:
Marcy Romero
Staff Assistant

5 Attachments:

- 1 - Notice Checklist (1 p)
- 2 - Plan Checklist (2 pp)
- 3 - State Authorizations (2 pp)
- 4 - Federal Authorizations (1 p)
- 5 - State/Federal Comparison (1 p)

Distribution

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